

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:24-cv-00048-MR-WCM**

**NIGHTINGALE NURSING
SERVICES INC.,**

Plaintiff,

vs.

**CAROLINA PINES AT
ASHEVILLE LLC,**

Defendant.

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ORDER

THIS MATTER is before the Court on Defendant's Motion to Partially Dismiss Complaint [Doc. 7] and the Magistrate Judge's Memorandum and Recommendation ("M&R") thereon [Doc. 17].

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of the Court, the Honorable W. Carleton Metcalf, United States Magistrate Judge (the "Magistrate Judge"), was designated to consider Defendant's motion and to submit a recommendation for its disposition.

On June 3, 2024, the Magistrate Judge filed an M&R containing conclusions of law in support of his recommendation that Defendant's partial motion to dismiss should be denied. [See Doc. 17]. The parties were advised that any objections to the Magistrate Judge's M&R were to be filed

in writing within fourteen (14) days of service. This period has now passed, and no objections have been filed.

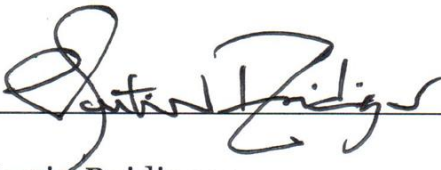
After careful consideration of the M&R, the Court finds that the Magistrate Judge's proposed conclusions of law are correct and consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's M&R and denies Defendant's partial motion to dismiss.

IT IS, THEREFORE, ORDERED that the M&R [Doc. 17] is hereby **ACCEPTED**.

IT IS FURTHER ORDERED that Defendant's Motion to Partially Dismiss Complaint [Doc. 7] is hereby **DENIED**.

IT IS SO ORDERED.

Signed: July 1, 2024



Martin Reidinger
Chief United States District Judge

